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OFFICE OF PETITIONS

In re Application of	:	
Mario Beretta	:	
Application No. 09/523,708	:	DECISION ON PETITION
Filed: March 13, 2000	:	
Title: 33330/GM/vp	:	

This is a decision on the petition filed on August 9, 2004, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

On July 29, 2004, the Office mailed a Notice of Abandonment in the above-identified application. The Notice stated that the application had become abandoned for failure to timely file a proper reply to the Office letter mailed November 6, 2002. A review of the record reveals that, on February 13, 2003, applicant filed a Notice of Appeal. Then, on April 14, 2003, applicant filed a request for extension of time within 2 months. However, no response accompanied this extension. Moreover, no further response and no further extensions were filed. Applicant repeatedly states that a paper was filed on December 11, 2002; however, no such paper is of record in the application. Nor does applicant support their contention with a copy of that response along with proof of its filing on December 11, 2002. In view thereof, the application became abandoned effective April 14, 2003.

On instant petition, applicant files a Request for Continued Examination (and submission); pays the petition fee; and makes the required statement of unintentional delay.

The application file is being forwarded to Technology Center 1764 for consideration of the submission under \$1.114 (the amendment previously filed October 14, 2002 - It is again noted that the amendment petitioner maintains was filed on December 11, 2002, is not of record).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with the first name "Nancy" written in a larger, more prominent script than the last name "Johnson".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions